

Town of



AMHERST

Massachusetts

TOWN HALL
4 Boltwood Avenue
Amherst, MA 01002-2351

ZONING BOARD OF APPEALS
(413) 259-3040
(413) 259-2410 fax
Planning@amherstma.gov

July 16, 2013

Allen Cohn
61 South Main Street, Suite 300
West Hartford, CT 06107

Dear Mr. Cohn,

Enclosed please find the following documents in regard to Special Permit ZBA FY 2013-00023:

1. Zoning Permit with Conditions;
2. Copy of Decision & Approved Plans;
3. Copy of Notice of Special Permit;
4. Copy of Record of Appeal and Decision Rendered;
5. Copy of certified list of abutters;
6. Proof of Filing, for Hampshire County Registry of Deeds.

The above-listed documents were filed with the Amherst Town Clerk on July 12, 2013. Pursuant to Massachusetts General Laws, Chapter 40A, Section II, a 20-day appeal period begins the day after the Decision has been filed.

After this appeal period expires, you, the applicant or owner, must complete the application process before the Permit will take effect, as follows:

1. After the 20-day appeal period, which expires at the end of the day on August 1, 2013, you must acquire a "Certificate of No Appeal" from the Amherst Town Clerk certifying that no appeal of this Decision has been filed. A \$10.00 fee is charged for this service. If an appeal has been filed, you must wait until after it has been denied or dismissed before receiving appropriate certification.
2. After you obtain the "Certificate of No Appeal", you must record it and the enclosed documents at the Hampshire County Registry of Deeds in Northampton.

There will be a recording fee and you must return the Proof of Filing to the Planning Department.

If you have any questions, please do not hesitate to contact this office at 259-3040.

Sincerely,
Jeffrey R. Bagg
Senior Planner

Town of



AMHERST

Massachusetts

TOWN HALL
4 Boltwood Avenue
Amherst, MA 01002-2351

ZONING BOARD OF APPEALS
(413) 259-3040
(413) 256-4041 [Fax]
planning@amherstma.gov

Applicant: This form must be returned to the Amherst Planning Department.

PROOF OF FILING

Amherst Zoning Board of Appeals
ZBA FY2013-00023

On this _____ day of _____, 2013, a Special Permit, ZBA FY2013-00023, and accompanying documents were recorded in the Hampshire County Registry of Deeds.

For the property owned by:
Amherst-Presidential Village, LLC

Located at:
950 North Pleasant Street
Amherst, MA 01002
(Map 8A, Parcel 1, R-N Zoning District)

Book _____ Page _____ Document # _____

Register

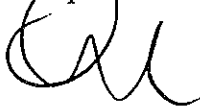
Applicant: This form must be returned to the Amherst Planning Department.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2013-00023, to modify conditions of ZBA FY1963-16 and ZBA FY2008-00008, under Section 10.33 of the Zoning Bylaw, at 950 North Pleasant Street (Map 8A, Parcel 1, R-N Zoning District), with the following conditions:

1. All site changes, including the location of speed bumps, location of crosswalks, location and design of sidewalks and ramps, and signs shall be substantially in accordance with the "Special Permit Compliance Plan", prepared by Huntley Associates, P.C., dated May 5, 2011 and stamped approved by the Board on May 23, 2013.
2. The sidewalk, curb cuts, and crosswalk shall meet all applicable Architectural Access Board (AAB) and Americans with Disabilities Act (ADA) requirements.
3. The site changes identified in this permit shall be completed prior to September 1, 2013.
4. This permit does not supersede the other conditions of ZBA FY1963-16 and/or ZBA FY2008-00008.
5. Any substantial changes to the permitted site improvements shall be presented to the Board at a public meeting.



Eric Beal
Amherst Zoning Board of Appeals

7/11/13
DATE

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Allen Cohn, 61 South Main Street, Suite 300
West Hartford, CT 06107

Owner: Amherst-Presidential Village, LLC
One Regency Drive, PO Box 397
Bloomfield, CT 06002-0397

Date application filed with the Town Clerk: April 22, 2013

Nature of request: For a Special Permit to review and modify conditions of ZBA FY1963-16 and ZBA FY2008-0008 relative to changes to site features in the existing development, such as crosswalks and bike lanes

Address: 950 North Pleasant Street (Map 8A, Parcel 1, R-N Zoning District)

Legal notice: Published on May 8, 2013 and May 15, 2013 in the Daily Hampshire Gazette and sent to abutters on May 8, 2013

Board members: Eric Beal, Hilda Greenbaum, Tom Ehrgood

Staff members: Jeff Bagg, Senior Planner, Robert Morra, Building Commissioner

Submissions:

- ZBA application form, filed with the Town Clerk on April 22, 2013
- Project Summary
- Management Plan
- Site plan approved in 2008
- "Special Permit Compliance Plan", prepared by Huntley Associates, P.C., dated May 5, 2011
- Copies of ZBA FY1963-16, 1966-49, and 2008-00008

Site Visit: May 22, 2013

Hilda Greenbaum, and Tom Ehrgood, met the applicant, Allen Cohn on-site. The Board members observed following:

- The location of the property on the west side of North Pleasant Street, approximately ½ mile north of the University of Massachusetts.
- The location of the six buildings which comprise the existing apartment complex and the existing parking areas, walkways, and dumpster storage areas. Vehicles were observed parked in the area designated for a bike path in the 2008 permit.

Public Hearing: May 23, 2013

The applicant, Allen Cohn, presented in terms of the submitted materials. He reviewed the 1963 permit, as follows:

- Condition # 9 of the 1963 permit required a recreation area. Although it was originally constructed, the area had fallen into disrepair and the actual playground structure was removed. He stated that the Amherst Police Department has recently identified that such area can attract mass gatherings. He asked that the Board acknowledge that the play area not longer exists.
- Condition #14 required a fence be installed on each side of the entrance way. He stated that the fence along the north side had been removed and replaced with vegetation by the owner of that parcel, Mr. Gottschall. The Board determined that this condition is currently met and would have to be met in the future.

Mr. Cohn reviewed the 2008 permit, as follows:

- Condition # 1 required a three foot wide bike path be painted on each side of the access drive. He stated that it had never been installed on the south side and requested the Board allow the bike path to exist only on the north side of the access way. He stated that the submitted site plan shows a three foot wide bike path along the north side of the driveway.
- Condition # 3 required that a cross walk be located in a specific location. He explained that the desired location for the cross walk will change with the addition of the new sidewalk on the south side of the driveway.
- Condition # 5 required that a sidewalk be installed on the south side of the driveway the entire length. He explained that they request approval to allow the sidewalk to begin on the south side, but traverse the driveway and resume on the north side, as shown on the plans. This change results in the requirement to relocate the crosswalk.

Mr. Beal MOVED to approve the following:

- Modification of Condition # 9 of ZBA FY1963-16 to allow the elimination of the playground requirement and to modify condition # 14 to not require the owner maintain screening along the north side as long as adequate screening exists.
- Modification of Condition # 1 of ZBA FY2008-00008 to require only one bike path along the north side of the driveway; to modify Condition # 3 to allow the relocation of the required crosswalk; to modify Condition # 5 to allow the sidewalk to exist on the south side of the driveway.

Ms. Greenbaum seconded the motion.

The Board finds under Section 10.33 of the Zoning Bylaw, that:

10.33 - The Special Permit Granting Authority shall have the authority to modify, amend, or renew its approval of a Special Permit upon written application of the owner, lessee, or mortgagee of the premise; provided however, that such action is consistent with the purposes and intent of this Bylaw, and a public hearing has been held. The Board finds that a public hearing has been held and incorporates the 10.38 findings to show that the proposal is consistent with the purposes and intent of the Bylaw.

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.383, 10.384, 10.385 & 10.387- *The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; Adequate and appropriate facilities would be provided for the proper operation of the proposed use; The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features; The proposal provides convenient and safe vehicular pedestrian movement within the site, and in relation to adjacent streets, property or improvements.* The Board finds that the proposal complies with these requirements for the following reasons:

- The changes will provide for a 36 inch sidewalk and new cross walk as required in the 2008 permit. Furthermore, the new sidewalk and associated crosswalk will be constructed in accordance with AAB regulations and will improve pedestrian access within the site.
- The change will provide for a three foot wide painted bike lane.
- The screening required along the entrance is required to remain in place.

10.398- *The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan.* The Board finds that the changes provide for safer pedestrian and vehicular access within the site.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2013-00023, to modify conditions of ZBA FY1963-16 and ZBA FY2008-00008, under Section 10.33 of the Zoning Bylaw, at 950 North Pleasant Street (Map 8A, Parcel 1, R-N Zoning District), with conditions.


ERIC BEAL


HILDA GREENBAUM


TOM EHRCOOD

FILED THIS 12th day of July, 2013 at 8:57 A.M.,
in the office of the Amherst Town Clerk Susan Audette.
TWENTY-DAY APPEAL period expires, August 1, 2013.
NOTICE OF DECISION mailed this 15th day of July, 2013
to the attached list of addresses by Jeffrey R. Bagg, for the Board.
COPY OF NO APPEAL issued this _____ day of _____, 2013.
NOTICE OF PERMIT or Variance filed this _____ day of _____, 2013,
in the Hampshire County Registry of Deeds.

THE COMMONWEALTH OF MASSACHUSETTS
AMHERST

City or Town
NOTICE OF SPECIAL PERMIT
Special Permit
(General Laws Chapter 40A)

Notice is hereby given that a Special Permit has been granted
To Allen Cohn c/o Amherst-Presidential Village, LLC
Address One Regency Drive, PO Box 397
City or Town Bloomfield, CT 06002-0397

Identify Land Affected: 950 North Pleasant Street
(Map 8A, Parcel 1, R-N Zoning District)

By the **Town of Amherst Zoning Board of Appeals** affecting the rights of the owner
with respect to the use of the premises on

950 North Pleasant Street Amherst
Street City or Town

The record of title standing in the name of
Amherst - Presidential Village, LLC
Name of Owner

Whose address is One Regency Drive, PO Box 397 Bloomfield CT 06002-0397
Street City or Town State Zip Code

By a deed duly recorded in the
Hampshire County Registry of Deeds: Book 6169 Page 195
or

Hampshire Registry District of the Land Court, Certificate No. _____,
Book _____, Page _____

The decision of said Board is on file, with the papers, in ZBA FY2013-00023
In the office of the Town Clerk Sandra J. Burgess

Certified this _____ day of _____

Board of Appeals:

[Signature] Chairman
(Board of Appeals)
Hilda Greenbaum Clerk
(Board of Appeals) JB

_____ at _____ o'clock and _____ minutes _____ m.
Received and entered with the Register of Deeds in the County of Hampshire
Book _____ Page _____

ATTEST _____
Register of Deeds
Notice to be recorded by Land Owner

**BOARD OF APPEALS
AMHERST, MASSACHUSETTS
RECORD OF APPEALS AND DECISION RENDERED**

Petition of Allen Cohn

For Special Permit, ZBA FY2013-00023, to modify conditions of ZBA FY1963-16 and ZBA FY2008-00008, under Section 10.33 of the Zoning Bylaw, with conditions

On the premises of 950 North Pleasant Street
At or on (Map 8A, Parcel 1, R-N Zoning District)

NOTICE of hearing as follows mailed (date) May 8, 2013
to attached list of addresses and published in the Daily Hampshire Gazette
dated May 8, 2013 and May 15, 2013

Hearing date and place May 23, 2013 (Town Hall)

<p style="text-align:center">LEGAL NOTICE</p> <p>The Amherst Zoning Board of Appeals will meet on *Thursday, May 23, 2013*, at 6:30 PM. in the TOWN ROOM, Town Hall, to conduct the following business:</p> <p>PUBLIC HEARING:</p> <p>ZBA FY2013-00023 - Presidential Apartments - For a Special Permit to review and modify conditions of ZBA FY1963-16 and ZBA FY2008-0008 relative to changes to site features in the existing development, such as crosswalks and bike lanes, at 950 North Pleasant Street (Map 8A, Parcel 1, R-N Zoning District)</p> <p>ZBA FY2013-00024 - Paul DiBenedetto - For a Special Permit to use an existing detached structure as a converted dwelling; or to renew, ZBA FY2000-00006, under Section 3.3241 and 10.33 of the Zoning Bylaw, at 286-288 Belchertown Road (Map 18A, Parcel 26, R-N Zoning District)</p> <p style="text-align:right">ERIC BEAL, CHAIR AMHERST ZONING BOARD OF APPEALS May 8, 15</p> <p>3257309</p>
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SITTING BOARD and VOTE TAKEN:

Special Permit, ZBA FY2013-00023, to modify conditions of ZBA FY1963-16 and ZBA FY2008-00008, under Section 10.33 of the Zoning Bylaw, with conditions

Eric Beal -- Yes Hilda Greenbaum -- Yes Tom Ehrgood -- Yes

DECISION: Application **APPROVED** with conditions as stated in permit

Town of Amherst Abutter List

Parcel ID	Parcel Address	Owner1	Owner2	Address	City/Zip
7B-3	MEADOW ST	COMMONWEALTH OF MASS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
7B-4	MEADOW ST	COMMONWEALTH OF MASS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
4D-10	MEADOW ST	WASKIEWICZ, MICHAEL J	WASKIEWICZ, JOSEPH A	324 MEADOW ST	AMHERST, MA 01002-1024
8A-5	NORTH PLEASANT ST	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8A-68	NORTH PLEASANT ST	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8A-69	NORTH PLEASANT ST	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8A-73	NORTH PLEASANT ST	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8A-4	922 NORTH PLEASANT ST	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8A-3	948 NORTH PLEASANT ST	DIRAISON, JACQUELINE A (SHERIDAN)	SHERIDAN, PATRICK C	948 NORTH PLEASANT ST	AMHERST, MA 01002
8A-1	950 NORTH PLEASANT ST	AMHERST-PRESIDENTIAL VILLAGE LLC		ONE REGENCY DR P.O. BOX 397	BLOOMFIELD, CT 06002-0397
8A-74	956 NORTH PLEASANT ST	GOTTSCHALL, CARL E	% G GOTTSCHALL & S WARBELTON-G	956 NORTH PLEASANT ST	AMHERST, MA 01002
5C-14	971 NORTH PLEASANT ST	JONES PROPERTIES LTD PARTNERSHIP		15A PRAY ST	AMHERST, MA 01002
8A-2	972 NORTH PLEASANT ST	KEELEY, JOSEPHINE B & THOMAS J.		972 NORTH PLEASANT ST	AMHERST, MA 01002
5C-15	977 NORTH PLEASANT ST	TOPPIN, JENNIFER		4 LACHANCE ST	GARDNER, MA 01440

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/State/Zip</i>
5C-16	985 NORTH PLEASANT ST	ZHANG, YANG		P.O. BOX 111	AMHERST, MA 01004
5C-11	980 NORTH PLEASANT ST	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003